United Nations ECE/MP.PP/2014/L.3

Economic and Social Council

Distr.: Limited
7 April 2014

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

Fifth session
Maastricht, the Netherlands, 30 June and 1 July 2014
Item 4 (c) of the provisional agenda
Substantive matters: access to justice

Draft decision V/3 on promoting effective access to justice

Summary

The present document sets out a draft decision on promoting effective access to justice prepared by the Bureau of the Meeting of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters. In view of its mandate to "make such proposals and recommendations to the Meeting of the Parties as it considers necessary for the achievement of the purposes of the Convention" (ECE/MP.PP/2/Add.15, para. 2 (d)), at its sixteenth meeting (Geneva, 19–21 June 2013), the Working Group of the Parties requested the Bureau to prepare a draft decision on effective access to justice for its consideration, revision and approval and for subsequent submission to the Meeting of the Parties for consideration (ECE/MP.PP/WG.1/2013/2, para. 16).

The document was prepared on the basis of decision IV/2 on the same subject, the outcome of the work undertaken by the Task Force on Access to Justice in the current intersessional period and the note by the Chair of the Task Force on Access to Justice (AC/WGP-16/Inf.3) submitted to the Working Group's sixteenth meeting.

The document was subsequently distributed to Parties and stakeholders for consultation. The Bureau considered the comments received and prepared the present, revised version of the document for further consideration and approval by the Working Group at its seventeenth meeting (Geneva, 26–28 February 2014).

At its seventeenth meeting, the Working Group revised and approved, as amended at the meeting, the draft decision on promoting effective access to justice (AC/WGP-17/CRP.3)[1] and requested the secretariat to submit it to the Meeting of the Parties for consideration at its fifth session.

[1] Available from http://www.unece.org/env/pp/aarhus/wgp17.html.

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The Meeting of the Parties,

Recalling the provisions of article 9 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

Also recalling the eighth and ninth preambular paragraphs of the Convention,

Further recalling its decisions I/5, II/2, III/3 and IV/2 on promoting effective access to justice,

Noting the relevant objectives of the Strategic Plan for 2015–2020 as adopted through decision V/5, and the relevant sections of the Work Programme for 2015–2017 as adopted through decision V/6,

Having reviewed the reports of the Task Force on Access to Justice (ECE/MP.PP/WG.1/2012/5; ECE/MP.PP/WG.1/2014/5; ECE/MP.PP/2014/5),

1. *Recognizes* the challenges faced by Parties in implementing the third pillar of the Convention (article 9), and the need for further considerable efforts to achieve effective access to justice;

2. *Notes with appreciation* the work undertaken by the Task Force on Access to Justice;

3. *Expresses its gratitude* to Sweden for its leadership of the Task Force;

4. *Welcomes* capacity-building initiatives by Parties, Signatories and international organizations and other stakeholders aimed at promoting more effective implementation of article 9 of the Convention and encourages them, as appropriate, to undertake such initiatives in the next intersessional period;

5. *Expresses its appreciation* to the Parties, Signatories and other stakeholders for contributing material to the online jurisprudence database concerning the Convention, and encourages Parties, Signatories and other stakeholders, including judges, legal professionals and academics, to use and promote the database and to further contribute to its expansion and improvement;

6. *Encourages* Governments to provide the public with information on access to administrative and judicial review procedures, including through electronic information tools, to ensure public access to relevant decisions of courts and other bodies, and to share their experiences in implementing e-justice initiatives;[2]

7. *Stresses* the significant role of national and international associations of judges, prosecutors and other legal professionals, and in particular of judicial training institutions, as well as the substantial role of public interest lawyers and non-governmental organizations, with regard to information exchange and capacity-building, and invites Governments to support their activities

8. *Encourages* Governments to stimulate a multi-stakeholder dialogue aiming at removing as the case may be, barriers to access to justice, involving the different ministries and agencies responsible, inter alia, for national policies on environment, justice, education, the judiciary, constitutional courts, ombudsmen, bar associations, public interest lawyers and non-governmental organizations, and to share these experiences within the activities of the Task Force;

9. *Encourages* Parties to integrate to the extent possible the issue of access to justice in environmental matters into the curriculum of law faculties, public administration

[2] E-justice initiatives include the use of information and communication technologies to improve public access to justice and other types of activities involving the resolution of disputes.

and judicial training institutions and other relevant institutions supporting the implementation of the Convention;

10. *Invites* Parties, Signatories and international and national organizations to cooperate and avoid duplication of activities in information exchange, the organization of training events and other capacity-building activities for the judiciary and other legal professionals at the national and international levels;

11. *Decides* to extend in time the mandate of the Task Force on Access to Justice, under the authority of the Working Group of the Parties to the Convention, to carry out further work in relation to the implementation of the Convention, taking into consideration the relevant activities being undertaken by Parties, Signatories and other stakeholders;

12. *Welcomes* the offer of [Sweden] to [continue to] [lead] the work of the Task Force;

13. *Requests* the Task Force, subject to the availability of resources, to undertake the following work:

(a) To promote the exchange of information, experiences, challenges and good practices relating to the implementation of the third pillar of the Convention, on such issues as costs, remedies, scope of review, timeliness, protection against persecution and harassment;

(b) To identify priority needs with respect to public access to justice in environmental matters, to take stock of capacity-building initiatives taking place in the region and beyond, and to promote the involvement of associations of judges, public interest lawyers and other legal professionals in these initiatives;

(c) As resources allow, to prepare analytical, guidance and training materials to support the work in the above subparagraphs (a) and (b);

(d) To promote understanding and the use of relevant findings of the Compliance Committee of a systemic nature;

14. *Entrusts* the secretariat, subject to availability of resources, to undertake the following work:

(a) To participate in, plan and implement, as appropriate, capacity-building activities, including workshops and trainings related to access to justice, to be organized in cooperation with relevant partner organizations;

(b) To expand, in cooperation with the Task Force, the web portal for the exchange of jurisprudence concerning the Convention;

15. *Invites* the Parties, Signatories and international and other organizations to participate in the Convention's activities on access to justice, and to allocate funds for this matter;

16. *Requests* the Parties, Signatories and other interested States to facilitate the involvement in relevant activities under the Convention of representatives of ministries of justice, the judiciary, judicial training institutions and other organizations having a strong profile in access to justice issues.